

THE
RIGHT
OF THE
BRITISH LEGISLATURE, &c.

[Price One Shilling.]

THE

R. I. O. H.

OF THE

BRITISH LEGATION

1871

America, North
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THE
RIGHT
OF THE
BRITISH LEGISLATURE
To TAX the
AMERICAN COLONIES
VINDICATED;
AND THE
MEANS of ASSERTING that RIGHT
PROPOSED.

Bonum Civem illum dicimus, qui jussis imperantium prompte paret, qui ad bonum publicum omnibus viribus connititur, ac post illud privatum bonum lubenter habet; imo qui nihil sibi bonum credit, nisi idem bonum quoque sit civitati; qui denique adversus alios cives commodum sese gerit.

PUFFEND. De Offic. Civis.

L O N D O N,

Printed for T. BECKET, Corner of the Adelphi, in the Strand.

M DCC LXXIV.

THE

R. I. C. H. A.

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BRITISH LEGISLATURE, &c.

THE outrages and acts of violence, lately committed by some of the American colonies, on account of taxes imposed upon them by the British Legislature, seem to render it extremely requisite to examine the Right of that Legislature to impose those taxes; and to establish such principles as may not only ensure a dutiful obedience to government from those who now illegally resist, but may restore harmony and brotherly affection among British subjects through every part of the British empire. All these disturbances among the colonists having been founded upon false systems of policy, systems directly contradictory to the principles of the British constitution, it may probably be a means of restoring, not only quiet to the colonies, but tranquillity to the minds of the colonists, to prove that they have never lost the happy state of free subjects; and that the acts of the mother-country regarding them, which they now complain of, are consistent with the funda-
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mental principles of our constitution, erring only on the side of indulgence towards them. To illustrate these propositions, we must examine principles with precision, and not suffer ourselves to be led away with popular opinions, when those opinions can neither be grounded on the letter, nor on the spirit of the British constitution at present subsisting.

A fundamental principle that has ever been regarded as such by all writers of government is, that in every civilized state, there must be, some where, a Supreme all-controlling Power. In the British state this supreme power is by the constitution fixed in the united wills of the king, lords, and representatives of the people in parliament assembled. Are the colonists subject to this supreme power? They themselves acknowledge that they are in every thing, excepting taxation. But the principles of our constitution, when fully understood, will, I believe, evidently prove, that the British parliament, composed of the three estates above mentioned, is supreme, not in one branch of legislation alone, but in all branches, in taxation as in every thing else, without any respect to the approbation or disapprobation of the individuals of the society over whom it presides, when their general welfare is visibly the object of its decrees. The colonists indeed contend, that the right of taxation in a free nation, such as ours, is always inherent in the individuals of the society, and that nothing can be done in regard to the imposing of taxes by the legislature itself, without the consent of those individuals,

viduals, or the consent of their actual representatives. In favour of this unconstitutional doctrine very few arguments have been alleged; but the assertors of it (however they may have vapoured in a tone of defiance) have leaned the whole upon two or three general propositions, which, to every unclouded understanding, need only to be mentioned, to carry their own refutation along with them.

It is in the very essence of a freeman, we are told, to dispose of his own property as he pleases. The law of nature, it is said, declares the fruits of every man's labour to be his own. Mr. Locke has affirmed (for some of his inadvertencies are quoted on the occasion) that the supreme power cannot take from any one, any part of his property, but by his own consent, otherwise he has no property at all;—for I have no property in that which another can take away from me, when he pleases, against my consent. It is fit every one, who enjoys a share of the protection of government, should pay out of his estate his proportion for maintaining it; but still it must be done by his own consent, that is, the consent of the majority, giving it either by themselves, or by their representatives chosen by themselves.

The colonists have advanced those propositions as a most formidable phalanx in defence of the doctrine, that in a free state there can be no taxation but by personal assent, or actual representation. But if that doctrine has no other support than what it receives from those propositions, it must fall to the

ground, and be for ever abandoned ; and were the freedom, or want of freedom in our constitution to be judged of by its conformity to those maxims, it must be declared one of the most slavish forms of government upon earth. The first proposition, in one breath, destroys the pretensions of every British subject to liberty or legal freedom ; for if it be in the very essence of a freeman to dispose of his own property as he pleases, there is not in that case a single free subject in Great Britain. Where is the noble, or commoner, that dare say, he can refuse paying a tax when the legislature has ordained it ? The essence of a freeman, that is of a free subject ; for I speak of men united in society, consists not in his being absolute master of his own property ; for that no man in a state of society can be ; but in his being governed by known and established laws, formed by the consent of a popular assembly ; in his being tried by his peers ; in being exempted from arbitrary imprisonment, and in other privileges, which the subjects of no government can boast of, but the subjects of the British government. As to the second proposition, that the law of nature declares the fruits of every man's labour to be his own, I freely allow the truth of it ; but I affirm, that the law of society declares directly the contrary. The British colonists, I hope, are not living in a state of nature. No ; they have ever since their first establishment formed part of the state united under the English laws and English constitution, and the fundamental principles of that constitution, though perhaps the freest in the world, restrain not only the colonists,

but

but all other British subjects from many prerogatives that they might freely enjoy in a state of nature. It is a maxim of every civilian, "*Qui civis fit libertatis naturalis jacturam facit, ac imperio se subjicit, quod jus vitæ & necis complexitur, & cujus jussu plurima facienda, abs quibus quis alias abhorrebat, & omittenda quæ vehementer appetebat.*" That is, whoever becomes a citizen, resigns up his natural liberty, and subjects himself to a governing power, which includes the right of life and death, and at whose command he must consent to do many things which he greatly dislikes, and abstain from many things which he eagerly desires. Puffend. de Of. Civis, l. ii. c. 5.

How weak and how inconclusive must the propositions of Mr. Locke now appear! The supreme power, he says, cannot take from any one any part of his property, but by his own consent, otherwise he has no property at all. Here we have a false conclusion from false premises. According to the premises there is not a supreme power on earth, but what is iniquitous and unjust; for tho' taxation in every state is nearly universal, we shall no where find that the assent is universal. A coercive right over the wills of individuals, we have seen, is in the very essence of a supreme power; and, indeed, if any individual had a right to refuse his assent to what the supreme power ordained, he would be supreme over the supreme, which implies a contradiction. I do not mean, however, that the supreme power in any state has no limitations; for if it ordains

dains things contrary to the laws of God, or manifestly destructive of the society over which it presides, it ordains what it has no authority to ordain, consequently its statutes are void, and individuals may disobey, not that they have any inherent right over the enacting power ; but because, in fact, nothing has been enacted, when an iniquitous statute has been promulgated.

Let us now try the strength of the conclusion. No part of the subject's property can be taken from him by the supreme power, but by his own consent, *otherwise* he has no property at all ; that is, if the supreme power has a right to some part, it has a right to the whole of a subject's property, which is the same thing as to say, some heat is agreeable to the human body ; therefore the highest degree of heat would not be disagreeable ; or, the supreme power has a right to protect, ergo, it has a right to destroy. But *a particulari ad universale non valet consequentia*. I say the supreme power has a right to some part of a subject's property, because it cannot subsist without it ; and that it has no right to the whole of a subject's property, because in that case the individual could not exist. Next follows a corollary, which for what reason it has been adduced, it is hard to say, as it proves nothing, either on one side or the other. " I have no property," it is said, " in that which another can by right " take from me when he pleases, without my consent." Where is the person that will contest the truth of that proposition ? I look upon it to be

be as self-evident as any axiom in Euclid. Mr. Locke has further advanced, that whatever one pays for enjoying the protection of government, he must pay by his own consent, that is the consent of the majority, giving it either by themselves, or their representatives chosen by themselves. This is reasoning altogether unworthy of Mr. Locke; for in the same proposition we have the consent of individuals necessary and not necessary; the decision resting in a majority and not in a majority. As the proposition itself is only a repetition of the former, the same refutation is applicable to both, and shews that so far from being regarded as axioms, they are delusive sophisms, tending to disturb the peace of society. Their having dropt from the pen of a great man, whose name will for ever illustrate this island; can give them no authority, when we find them not only including self-contradictions, but leading to conclusions inconsistent with the first principle of all civilized government, in setting up the will of an individual as supreme over the supreme power.

From not examining the first principle of a social union in a civilized government, it has been common to regard taxation in the British state as *un don gratuit*, or as a free gift given at the pleasure of the individual. Thus governor Pownall tells us, "supplies granted in parliament are of good will, not of duty; the free and voluntary act of the giver, not obligations and services, which the giver cannot of right refuse*." And again, "they,

* See the Administration of the Colonies, Ed. 4. p. 173-
See also the celebrated speech of a celebrated minister.

" that

“that is the members of parliament, do not give
 “and grant from the property of others to ease them-
 “selves.” Both of these are false propositions, unworthy of the discernment and abilities, which that gentleman has shewn in other parts of the treatise referred to. Whoever will but advert to the first principles, and to the forms of the British constitution for ages past, must, I think, allow, that supplies, granted in parliament, are both of free will and of duty ; and certainly in regard to the last proposition, the burden of supplies is always extended to a greater number of individuals than ever gave their consent to the raising of them, either personally or by their representatives.

The British constitution by no means leaves to the pleasure of individuals, or to any subordinate corporations, what they choose to give, or what they choose to with-hold, in regard to the public supplies. According to the fundamental principles, and to the whole texture of the British constitution, public supplies granted for the support of the state are always of duty, or, in other words, the right of taxation is not in the people, but in the Supreme Superintending Power. It is the general superintendence that gives a right to taxation, by implying the necessity of being supported ; and where the constitution of the state has placed that superintendence, it of necessity places the right of demanding supplies, and regulating the mode of raising them. In the British government, one branch of this superintending power has but a very limited duration, and is composed of representatives

tives who draw their existence from a part of the subjects called constituents ; but it is not the constituents, who send those representatives, that give them a right of levying taxes upon themselves and all their fellow-subjects. No ; the right is inherent in, and coeval with the supreme superintendence, and indeed makes part of its very essence. There can no more be a sovereignty without it, than there can be a man without a living soul. But cannot the representatives of the commons withhold supplies altogether if they please ? Yes certainly ; but that, however, gives them no *right* to withhold supplies. The hands and the mouth have the power of with-holding supplies from the body to which they belong ; but I deny that they have from thence a *right* to with-hold them, because neither a body natural, nor a body politic has a right to be *felo de se*, or to destroy itself. On the contrary, the principle of life gives to both a *right* to a subsistence and support.

Though the executive power in our government has a right to a subsistence, yet happily it is not the master of taking its own subsistence. It cannot, in short, feed itself like the ravening powers of arbitrary states. It must be fed as the human body is fed, by the members ; but the right of having food, and being subsisted, was inherent in itself from the first period of its existence. If one branch of our legislature is of very limited duration, the other two branches are singly and by themselves of very limited power ; but the three branches conjoined, are all puissant over every subject of the

British empire : and, as the right of taxation is inherent in them, their will is equally sovereign in imposing of taxes, as in every other exercise of their power. Accordingly we find that there are penal clauses in all acts regarding taxation ; and, that a subject refusing or neglecting to pay his share of a tax, is distrained upon, sometimes to the total loss of his substance. We may therefore regard the idea of the British parliament's being sovereign in all acts of legislation, excepting taxation, as an idea that has no just principle for its foundation ; and whatever names and authorities it may have had on its side, yet not having the authority of truth to support it, we may rank it with vulgar errors, that deserve to be exploded. Representation has nothing more to do with the right of taxation, than with every other right enjoyed and exercised by the superintending power. It is interwoven with its very essence ; it indeed sometimes reposes ; but the administering power is supposed never to repose. When they are all in action, then is the body politic most alive.

Though the right of taxation be alone in the Supreme Superintending Power ; yet the modification of that right, is by the constitution reserved exclusively to the popular branch of it ; and this the constitution has thought sufficient for limiting or setting bounds to the executive power, and thereby securing a proper degree of liberty to all the subjects. The exclusive right of this popular assembly is, I say, the power of modifying and regulating the quantity of public supplies. It decides
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how much the supreme power ought to have, and thereby frees the subjects from all apprehensions of that power's demanding, or ever obtaining the whole of their property, upon the known and avowed principle, of its having an inherent right to some part of it. The power of limitation being entrusted to this popular assembly, who itself has but a very precarious and short existence; the subjects, though they know its authority, when joined with that of the other two branches of the legislature, to be by the constitution absolute, have no more reason to be afraid that it will surrender up all their property to the executive power, than they have reason to be apprehensive that it will put them all in chains. In attempting to do either of these, it would be acting to the destruction of the society, and consequently acting beyond its authority.

It has been shewn that the *right of taxation*, according to our constitution, does not lie in the personal assent of individuals, much less therefore in the assent of representatives, otherwise than as those representatives make a part of the superintending power, which gives them a right of demanding supplies, and, as making part of the people, a right of regulating the measure of them. Those representatives are chosen and appointed according to long use and established custom in the monarchy; but, happily for the public liberty, their rights die and are extinguished every seven years, or sooner at the pleasure of the king, when those rights revert to their constituents. But do

they ever revert to the body of the people of Great Britain at large? No; certainly by the British constitution never*. The people of Great Britain at large, have no more direct concern in the sovereignty than the most remote colonist has. The representatives in the house of commons are not the direct representatives of the people of Great Britain, or of the colonists. They are only the direct representatives of their own constituents, and the virtual representatives of every British commoner wherever he inhabits. The constituents who send the representatives to the house of commons, may not perhaps exceed 200,000, or 300,000 in number; yet eight millions of subjects in Great Britain are taxed by the representatives of these constituents without their own consent. Thus we find that what B. Franklin states as a false pro-

* I do not here speak of a nascent state, or of a state just beginning to form itself, when the power is wholly in the people, or in the individuals. I speak of a state that has had a duration of many ages, formed and established upon certain principles esteemed and called *fundamentals*, from their durability and immobility. M. de Buffon, in his very elegant Natural History, observes of the bees, that the hexagonal form of their cells, is not owing to any superior instinct of those insects: but is a necessary consequence of their coming into existence and living in society. A few pease he says, thrown separately into hot water, swell and assume a globular form, having space to expand on every side; but pease tied up in a bag and thrown into hot water, will, from their mutual expansion and mutual resistance, all assume an hexagonal form. The remark is equally applicable to men formed into civil societies, no individual having it in his power to expand his views on every side as he pleases; but all must submit to the checks, which the fundamental laws of the constitution impose upon them.

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position, in order to apologize for the disobedience of the colonists, is precisely the true fundamental principle of the British constitution, "That fellow-subjects in one part of the dominions are sovereigns over fellow-subjects in another part," even within the island of Great Britain, consequently throughout the whole empire. The truth of this proposition being clearly established, overturns at once the whole baseless fabric of representation and taxation, reared by false oratory, but left unsupported by the least prop of a single argument.

The subjects of Great Britain, in general, participate of the sovereignty in a very extensive degree; but upon no just reasoning could it be inferred from thence, even by a foreigner unacquainted with our constitution, that this participation extended to every individual. Much less then ought such an inference to be made by a British subject, who cannot but know that it is disproved not only by arguments, but by facts. It is contrary to all reasoning, and to all logic, to turn a particular proposition into a universal. Should a freeman of London say to another person, who was neither a freeman nor a freeholder, the constitution gives me a right to vote for a member of parliament; would it be good logic or sound reasoning in the other to say, therefore I and every other British subject have also a right?

What the constitution chiefly aims at is, that the people should, by their representatives, have
such

such a share in the legislative authority, as may serve for a proper check to the power of the other two branches ; but it has ever implied a dutiful submission on the part of all the subjects to the will or power of all the three branches when united in a legislative capacity. This legislative will or power of the British parliament has even been carried so far as to alter fundamentals by acts of parliament. The legislature have given new kings to the state ; they have turned annual parliaments into septennial ; nay, *they have even diminished the number of their own constituents one third, or perhaps one half*, as in the famous act of Henry IV. about freeholders ; and it has often been proposed of late years, for the sake of domestic tranquillity, again to cut off one third of the constituents from the right of voting, by raising the qualification of freeholders to twenty pounds, so contrary both to the actual state, and to the spirit of the British constitution, is the notion of the universality of representation, otherwise than as virtual.

If representation is then virtual for Great Britain, why should it not also be virtual for the colonies, who, from the very beginning of their existence have always made a subordinate part of the British state ? Since there are millions in Great Britain that have no immediate share in sending representatives to parliament, the millions in America are deprived of no right in not having any immediate share likewise. Though there are no constituents among them, yet they have the same right of being

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ing chosen into the legislative body as any of their fellow-subjects in Great-Britain ; and indeed there is not a right or a privilege that the subjects of Great Britain enjoy, which they do not participate in as far as their local situation, and the general welfare of the community will admit. They cannot deliberate and vote in the house of commons, and remain in America ; but neither can a member of that assembly deliberate and vote in it, while abroad on a foreign embassy, or in public service in the East or West Indies ; yet we never heard of any such complaining on that account of a breach of privilege. They dare not send a ship on the east side of the Cape of Good Hope ; but all the sea ports in Great Britain and Ireland, excepting the port of London, are under the same limitation ; and even in that port, the traffic beyond the Cape is restricted to one society of merchants alone. Their being subject to laws of their own, as well as to those of the supreme legislature, cannot be reckoned any abridgment of their public liberty. They in that particular resemble the members of many incorporated bodies in Great Britain, who, from the very circumstance of being subject to that *double law*, acquire the name of *freemen*. The stars shine upon us in the day, as well as during the night. When the sun appears, they indeed become invisible ; but their rays are not extinguished ; and we certainly have not the less light, for their being present with the sun.

It having been demonstrably proved, that the British legislature possesses in itself a right of taxation,

tion, independent of actual representation ; and that this right is consequently equally extensive with any other of its legislative rights ; it might be expected that the dispute about its right of taxing the colonies might here be terminated, as the colonists in general have only objected to that right upon the false principle of its being founded upon the consent of individuals, or of direct representatives. Faction, however, having taken deeper root among some seditious leaders at Boston, they have most weakly endeavoured to justify their disobedience to the British legislature by other sophisms besides that of taxation, depending upon representation, but sophisms, if possible, more futile, and more directly inconclusive than that already refuted. As they have observed a willingness in the people of Great Britain to be deluded, they have not scrupled to advance arguments, not only contrary to the plainest reasoning, but to historical facts ; and wishing to be what they really are not, they have cavilled at the authority of parliament, that is, at the sovereignty of the nation, because this authority was not so vigorous when England first acquired possessions in America as it is at present. Nay, they have gone farther. They have had the rank folly and absurdity to insinuate, that the claim of England to possessions in America upon the principle of prior occupancy was an usurpation of natural right, against the savage tribes who were the rightful lords of the soil. Now allowing the truth of this position, which I most readily do ; yet, as the claim of England was the foundation of the usurped possession of the first colonists, these Bostonians

tionians have, by this allegation, cut the branch they themselves were standing upon, and destroyed their own right to the lands they now possess in America, if there was any solidity in the argument which they have alledged. Two hundred years possession, however, suffices to give validity to what might be at first a weak, or even an unjust claim; and the Bostonians, perhaps, reflecting on that, graciously condescend to quit this argument, to lay hold of another equally absurd. They say, "should the doctrine be admitted that the discovery of lands owned and possessed by pagan people gives to any prince a title to the dominion and property, still is it vested in the crown alone." What a wonderful discovery! in whom then I pray is it vested in states, where there is not one single person that wears a crown? Do not the colonists by their own position exclude republics from a possibility of settling colonies in desert countries, and all by the juggle of two words; for if instead of the words *prince* and *crown*, we substitute the word *state*, the proposition, which at present is a masked sophism, will become clear and evident, "Thus should the discovery of lands, esteemed vacant, give to any state a title to the dominion and property, still is it vested in the state alone." New discovered lands are vested in the crown as head of the state, not as the private property of the person who wears the crown, as the colonists would insinuate in the proposition above stated, and in the farther illustration of their new *jus gentium* or *jus politicum*. "We take it, they say, to be a settled point, that the king has a con-

“stitutional prerogative to dispose of and
 “alienate any part of his territories not an-
 “nexed to the realm.” I leave it to my readers
 to determine whether the following proposition is
 not more agreeable to the fundamental principles
 of the British constitution : “I take it to be a
 “settled point, that the king, as king, has no con-
 “stitutional prerogative to acquire any territories,
 “that are not annexed to the realm.” Who
 would have expected to have found such very zealous
 advocates for royal prerogative among the
 puritannical inhabitants of New England ; but it
 has happened to them as to Eve, when she first
 deserted her husband,

They fell in love with the first devil they met,
 And out of pique ev’n help’d to damn them-
 selves.

The Bostonians, and their advocates, finding
 it impossible by plain reasoning to give the
 least appearance of legality or lawfulness to
 their claim of independence upon the supreme
 British legislature, which is, in other words, an
 independence upon the state ; think that the
 weakness of their arguments may be made up
 by the number, and are eternally shifting their
 ground by running from one quibble to another.
 The charters of the colonies, they say, are granted
 by the crown ; and, for many years after their
 first establishment, the sovereigns of England go-
 verned them without the interference of parlia-
 ment. What follows from all that ? The sove-
 reigns of England, at that time, were also endea-
 vour-

vouring to govern Great Britain without the interference of parliament ; and both were unconstitutional. Had parliaments been abolished in Great Britain by those kings who wished to rule without them, is it to be supposed that *general assemblies* or *general courts* would have long subsisted in America ? How absurd then is it to found the independency of any British colony upon the principles and actions of kings, subversive of the general liberty of the subject.

If the charters of the colonies are granted by the crown, the natural inference is, that the colonies then depend upon the kingdom. All authority that the crown has in a political capacity, it has as head of the nation ; and all acquisitions of new lands, though vested in the king, are acquisitions belonging to the kingdom. To suppose a charter granted by the king in a private capacity, disjoined from his character of head of the nation, to give any authority whatever, is to suppose an absurdity. The colonists, therefore, in holding their lands and their civil government from the king by charters, hold both from the nation collectively united in the supreme legislative body. All the sovereignty the king has over the colonies, he has as being sovereign of the British nation ; consequently, let him grant them hundreds of privileges by charter, he could never make them any thing but parts of the British nation. A king of Great Britain can no more create by charter, or by any act of his power, a community independent of the kingdom, than he can create a new planet.

Nay an act of parliament could effect no such thing ; for though a state may be all-puissant within itself, yet to say that it could be all-puissant without itself, would be a political solecism of the grossest kind. If therefore the colonies could never make but parts of the British nation, the consequence is that they owe, equally with all other subjects, submission and obedience to the supreme legislature of the nation. The stately oak that I view to-day had not an hundred years ago, the twentieth part of its present size ; but am I for that reason to reckon it twenty oaks, or to think that its remotest branches do not still depend upon the trunk from whence they sprouted. The British nation by its settlements in North America, has spread itself out beyond the limits of the island ; but from the moment those settlements were first made, the sovereign superintendence accompanied them, though not always exercised in the same manner as at present.

Hence appears the absurdity of that proposition advanced by B. Franklin, " That a submission to acts of parliament was no part of the constitution of the colonies *." The author must certainly have first deceived himself, otherwise he could never have had the confidence to think of palming such a gross sophism upon his readers. A submission to the sovereignty of Great Britain was ever a part of their constitution, and, as we have seen, cannot but make a part of their constitution ;

* See a letter in the Public Advertiser, February 19.

but the sovereignty of Great Britain exists in the supreme legislative body of king, lords, and commons, assembled in parliament, consequently the acts of that parliament are sovereign over the colonies. Let us suppose that parliaments exactly similar in every respect to the parliament of Great Britain, were to be established in France and Spain, would the colonies of those two states, now governed by the absolute power of one person, owe less subjection to the new sovereignty, than to the despotic *ordonnances* of their present monarchs, as that new sovereignty, though it added rights to all the subjects in general, diminished nothing of the supremacy of the nation. But the parliament of Great Britain was a sovereignty previously to the establishment of any colonies by the nation; and every right that it now enjoys was by the constitution inherent in it, though not always exercised by it, for ages before ever any European colonies were settled in America. We find queen Elizabeth, at the representations of her parliament, taking shame to herself for having granted charters that were judged detrimental to the welfare of the public, and recalling those charters. Now let us suppose that her parliament, from a false apprehension that the settlements in America would be productive of more evil than good to the nation, had petitioned the queen to recal the American charters, will any colonist take upon him to say, that she would not have complied. The parliament however did not interfere; but the non-interference of parliament in any act of government, where it has a just right, may indeed weaken the
act

act of government, but can never weaken the parliament's right. Now in all acts of legislation, it has an inherent right over all the subjects of the state, and as the colonists have ever made part of the subjects, its right consequently has ever extended over them. The journals of parliament, and the petitions of the colonists, afford hundreds of instances of the exercise of this right, which is also justified by the very fundamental principles of the constitution; yet the Bostonians, and their advocate B. Franklin, seem very modestly to believe, they can persuade us, that when the sun is in the meridian, it is not day-light.

The colonists apply the case of Ireland to theirs very improperly. Ireland, as history shews us, was originally an independent nation; and at no time previous to the establishment of its present legal constitution had been so conquered and overrun by England; but that a great majority of its inhabitants was composed of its original natives, living subject to a law of their own. If these at length, after many struggles, consented to form themselves according to the model of the English constitution, held out to them by their conquerors, to accept of English laws, and acknowledge a subordination to England, the consequence was a strict and happy union of two states not by incorporation, but cohesion. The beam that was strong before, became stronger, by having another beam so closely joined to it by cohesion and insertion, if I be allowed the expression, that both appeared
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but as one, and resisted every effort with united strength *.

The same thing would happen should the free associated Indian nations of North America agree to accept of the English code of laws, and the English form of government, with an acknowledged subordination to Great Britain. Every body must agree that their rights and claims would be very different from those of colonists. Their ancestors were independent lords of the soil, before ever a British subject set his foot in North America; and they have through successive generations ever since remained an incorporated society, living according to a constitution framed by themselves; therefore should they desire to join themselves more intimately to the British nation, they would certainly have a right to propose their own terms, and to make stipulations as a distinct people, offering to live in a foederal union with Great Britain.

* Though Ireland has long enjoyed a particular legislature with a very great degree of independence, yet it may be greatly doubted whether it would not have been much better for the inhabitants of that island, if from the first of their submission to England they had referred the whole of their concerns to the superintendence of the English parliament. If the early establishment of the arts and of commerce; if the cultivation of lands; if settled peace and internal tranquillity are blessings, then I say the people of Ireland would have escaped many miseries, and enjoyed much more prosperity, to have submitted all their concerns to the immediate direction of the English parliament, without one teizing thought about representatives, otherwise than as the constitution had previously established them. But *non voluerunt*, they did not think fit so to do; and their original independent state gave them a right to propose terms of their own.

The colonists are not a new people that come and offer to enter into the bonds of a perpetual alliance and confederation with us. They were originally our fellow-subjects, who finding that the state laid claim to the dominion and property of extensive vacant lands in America, solicited and obtained an authority from the crown, that is from the state, to occupy those lands, with all the privileges of subjects remaining at home. The fundamental stipulation with such subjects is, " You shall have those lands, if you remain in obedience to the parent state." It is by that tenure the colonists hold all the lands they possess in America; and the terms of a royal charter expressing any thing else, are contrary to the fundamental principles of the British constitution. The conditions of that tenure are no ways altered on account of the hardships and difficulties which the first settlers had to struggle with; no more than the unexpected difficulties and disappointments that miners meet with, give them any fuller right or title to the ore when found, than they had originally from their lease. The crown, that is the state, gives even more than the lands in America to the colonists. It gives them the power of government, granting to each colony a jurisdiction in every matter relative to its own particular concerns; but as all the subjects are interested in the general concerns of the whole empire, no particular jurisdiction can have any authority in these, and the jurisdiction which treats of them must in its nature be supreme.

If then the British parliament, as we have seen, enjoys a right of taxation independent of individual representation ; if the dominion and property of the vacant lands of America were acknowledged to belong to the crown, that is to the state of England, before any English subject ever emigrated thither ; if the settlers of those lands, who sailed thither as English subjects, received them, and are daily receiving them from the bounty of the parent state, as portions of her dominion, those settlers or colonists are then equally amenable to the same supreme power with all other British subjects, liable with them to the same vicissitudes of adverse or prosperous fortune in peace and war, and consequently liable with them to bear their share of all the public burdens, which the support and defence of the state may render necessary.

The annual balance that Great Britain receives in her trade with the North American continent, has been pleaded as a reason for an exemption from taxation in favour of the colonies. But by the same reason Ireland, the Isle of Wight, and Scotland, taken distinctively from England, ought to pay no taxes ; for upon examination it will be found, that the balance is against all these with the center of government. That balance however, when not extreme, by no means implies an exhausting drain of those remote territories. The balance from the whole North American continent at present is not so great in proportion to the territory and number of people as from the Isle of Wight ; and that proportion in all probability will

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even diminish, as the colonies acquire a greater maturity, and in time it may be presumed, will preponderate against the mother country in favour of the Carolinas, and other southern colonies; so that what money Great Britain receives from the northern colonies, will be drawn back again by the southern, and will barely suffice with her own exports to pay for the rich products she will have occasion for from them.

As all wealth (fisheries excepted) originates from the soil, the most natural wealth that a capital can possess is that which it draws from its own provinces; and while governments subsist upon earth, it will ever be found that the center of the state will in general draw a balance from the extremities. This balance in states either monarchical or republican, is partly employed in the exertion of strength, and partly in wasteful consumption. What is employed in the exertion of strength, like the impulse of the heart, returns circulation to the extremities, and gives vigour to the whole constitution. The wasteful consumption of one year is supplied by the reproductions of the next. It is a maxim in philosophy, that if the force of attraction or cohesion is not greater than the force of repulsion, bodies cannot exist; and the same holds true in politics; if the returns to the center of the state do not exceed in some small degree the outgoings from it, weakness and dismemberment must ensue. The sun himself, who disperses his light and heat through our system, is supposed by astronomers to receive supplies fully equivalent to his daily

daily waste ; and indeed it may be presumed, that if he did not receive such supplies, his light would soon be extinguished.

Much has been written about the balance of trade between nation and nation, and between one province and another ; but most of the conclusions I have seen from the reasonings on that subject have been either very superficial, or altogether false. The authors almost perpetually misled by the notion of a mercantile balance, have stated one nation against another like one finite arithmetical sum against another, where by continued subtraction on one side, and continued addition on the other, the difference at length becomes extreme. This is the universal error of Swift in regard to the relation between Ireland and Great Britain. The supplies of nature however are not finite, but infinite. It has been observed above, that all wealth originates from the soil ; now as the soil is permanent, the supplies it yields are therefore perennial, consequently, though the provinces have the balance annually against them with the capital, yet from nature they annually receive a new supply of wealth. From whence I will draw a corollary, which, though it has not been commonly observed by political or commercial writers, will nevertheless be found to be a *true proposition*, “ That
 “ one nation or one province, may have the ge-
 “ neral balance of trade perpetually against it with
 “ another nation or province, and nevertheless
 “ may increase in opulence and wealth annually ;”
 and this is the actual situation both of Ireland and

of the North American colonies, no part of the British dominions at present prospering more than the latter.

We may also from hence conclude, That it is a most false maxim, to say that we ought to seek no other profit from the colonies, but the extension of our trade with them. That this is a false maxim will appear from its being contradictory to the first and truest of all maxims, that taxation in order to be just, ought to be proportionably equal. Our trade has been extending with the American colonies annually for fifty years past; but that has been chiefly owing to the extension of their settlements, and to the augmentation of their numbers; for if new settlements were to cease, and their population remain the same for a number of years, our trade with them would certainly diminish from the supplies of manufactures, which they must in the very nature of things furnish to themselves. No idea can be more absurd than to imagine we shall suppose two, three, or four millions of people living in peace in towns and villages in a fertile territory, and being supplied with shoes, stockings, hats, shirts, and every other article of wearing apparel, and of household furniture, by eight or ten millions of their fellow-subjects, living three thousand miles off. One may as well suppose the first four millions to be born without hands and arms, and to live in a country where there was neither timber, metals, flax, nor wool. Yet this I acknowledge was in the last century the Utopian idea of Sir William Petty, in some of his fanciful
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illustrations, when he aimed at proving, that England could carry on the foreign commerce of the whole world. The Dutch were then astonishing Europe by their sudden wealth, and foreign commerce became the popular cry of the times, and had the preference to all kinds of domestic or territorial improvement. This narrow and false system has still some deluded followers, who weakly believe that the great secret of political strength is to aim constantly at a monopoly of foreign commerce for the center of government, which may be truly affirmed to have on many occasions greatly weakened the political strength of the British nation. If the American colonists have within these thirty years doubled the number of their habitations, it cannot be supposed that during that short space of time they have had leisure to manufacture the various articles of furniture and clothing needed for those new families, who have been employed upon the most profitable of all occupations, that of the cultivation of land. But the present course of trade between them and their mother country cannot, I say, be looked upon as a rule for future times, when new settlements will not be so frequent, and handicraft trades will have taken deeper root among them. Therefore to view the American colonists merely, or even chiefly, in the light of dealers or customers, serving to extend what is wrongfully called our foreign commerce, is a most false political maxim, leading to consequences directly opposite to those it would seem to promise.

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The nation has no right to expect any thing more from foreign customers than the profits arising from its trade with them ; but surely it has a right to expect something more from subjects, who, though by their mutual commerce, they certainly enrich the nation ; yet are considered by the government as only enriching each other. But we have been told over and over again, that the colonists *merely beggar themselves to enrich us ; that they spin out their own bowels for us ; that every thing they earn centers in Great Britain, &c. &c. ** These sophistical and deceitful positions have been often repeated for ensnaring purposes ; but, like every other argument advanced by the seditious, only serve to prove the unjustifiableness of their own conduct. Is the ballance of their trade with Great Britain one million annually in favour of the mother country, we are not from thence to conclude, that they give that million for nothing, that it is part of their own bowels, which their dutifulness makes them bestow upon their parent state ? No ; they actually receive pennyworths for it in furniture, utensils, clothing, &c. which their new settlements render necessary. The purchaser of an hundred pounds worth of goods has no right to say, that the merchant is an hundred pounds the better for him, when he receives goods

* It is affirmed in *the Administration of the Colonies*, ed. 4. p. 40. "That all the profits of the produce and manufactures of the colonies center finally in the mother country." The author of that treatise has certainly too much good sense not to retract that proposition, which the least reflection shews to be false.

to that value from the merchant. I would not by this be understood to infer that the American market is of small importance to Great Britain : on the contrary, I think the commerce between Great Britain and her American colonies cannot be too much encouraged for the interest of both, and that it may become immensely beneficial to the state, tho' there should not be a mercantile balance in favour either of the mother country, or of the colonies.

Those who have written and speechified about the mercantile profits accruing to Great Britain from the American colonists, have always kept to the general proposition, more apt to lead into error, than to clear up any political truth. It may, therefore, be proper on the present occasion to discuss that point a little; and, the result of the examination will shew on which side the debt lies, and prove that a political ballance, and a mercantile ballance are two different things. I shall state the number of British subjects or colonists on the continent of North America at two millions, and their annual expence per head at four pounds ten shillings, or nine millions of pounds for the whole. It may be presumed that I rather under-rate, than over-rate the annual expence of the colonists, when we consider that Sir William Petty, an hundred years ago, rated the annual expence of the people of England at 5 l. an head. Now, whoever makes an estimate of the present rate of living of the English colonists in North America, and computes the marketable prices of their commodities

modities in general, the rents of the lands in the inhabited spots, the house rents in their large towns, and the luxury of their cities, may conclude that living is but a small degree cheaper there at present, than it was in England an hundred years ago, or about three times as cheap as it is in Great Britain at this period, where it may be proved with tolerable exactness, that the annual expence of the people is near fifteen pounds an head, things, in general, being trippled in their prices in this island, since the time that Sir William Petty's treatise was written*.

From whence do the colonists draw this annual subsistence of nine millions sterling, but from their lands and fisheries; and who has conferred, and is daily conferring upon them those lands and fisheries, but Great Britain? Have the colonists settled in the island of St. John since the late peace, bestowed the lands of that island upon themselves?

* I have been told that a member of parliament lately affirmed in a public assembly, that the landed gentlemen paid annually 14 s. in the pound of their rents in public taxes, which affirmation argues the most profound ignorance of the principles and sources of finance. The national income, it is said, has lately been stated by another gentleman at fifty-eight millions; which would make the public taxes about 5 s. in the pound. The annual national revenue may, I think, be easily demonstrated to be above one hundred millions, which will make the public burdens in Great Britain little more than half a crown in the pound. If these two gentlemen will favour the public with their demonstrations, I will produce mine. Were British subjects to live with that cordiality which they ought, the taxes might soon be lessened to 2 s. in the pound. But if trifling squabbles keep government in a state of warfare with those who ought to be living peaceable subjects to the laws, public expences must necessarily be augmented.

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Have they not received them from Great Britain, with all the rights of free subjects annexed to them, which, in a state of society, as has been above observed, can never imply an exemption from public burdens, in the manner, and in the degree that the supreme legislature of that society shall think fit to impose them. What is here observed of the most recent and most inconsiderable of our American colonies, is equally true in regard to the most ancient and most considerable of them; which their charters, together with the history of their various settlements most amply testify.

The American colonists, besides their annual subsistence of nine millions sterling, which their lands and fisheries yield them, have likewise drawn from the same funds another very considerable stock of wealth, which consists in their houses, mills, improved lands, stock of cattle, plate, household furniture, apparel, &c. This may justly be reckoned to be at present above an hundred millions sterling; which, considering the insensible waste and decay even of this stock, and the small accumulations that were made upon the first settlement of the colonies, will imply an annual augmentation of about three millions sterling for many years back*.

Thus the colonists, from lands which they hold from Great Britain, have actually accumulated a

* I do not insist upon the absolute accuracy of the above calculations, though I could adduce many reasons to shew that they are not far from the truth. The more or the less in these sums can only strengthen or weaken my argument to a certain degree; but cannot falsify it.

mass of wealth of above an hundred millions ; besides an annual subsistence of nine millions, and a yearly increase of wealth of about three millions. For, I suppose all the stocks that have been carried from Europe by new settlers to North America, when put together, would not amount to one million sterling. The colonists then are growing richer by three millions every year ; but whence comes this superlucration of three millions, and how is it disposed of ? Let us trace its rise and circulation. It is acquired like the other nine millions from their lands and fisheries ; and part of it is employed domestically, in improving their lands, augmenting their stocks, and adding to the number of their houses and settlements. Another part of it becomes a subject of foreign trade with the European West Indian settlements, and even directly with several European states ; for, as the colonists do not limit themselves to their own products and manufactures, they, with part of them, purchase the manufactures and products of other countries that they want. By this traffic, let us compute that the colonists acquire a million sterling in the precious metals ; this balance, or rather this barter, enables them to become purchasers at the market of Great Britain for various goods and merchandizes that they have occasion for from the mother country ; and the million finally rests where it ought to rest, and be consumed, about the center of the state that produced it. From this the seditious advocates of the colonies have either ignorantly or sophistically concluded, that the American colonists are *merely toiling for the mother country, and that the fruits of all their labour center*

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in Great Britain ; whereas it appears, that it is hardly a twelfth of their income which they send to Great Britain ; for which twelfth they actually receive a value in return ; the merchandizes they draw from Great Britain being as useful and as necessary to them, as the precious metals are to the British merchants. I allow that in their commerce with Great Britain, they are losers of the profits of trade, which rest with the British merchants ; but should these even be thirty per cent. it will make the pecuniary advantage accruing to the mother country from the commerce with the colonies about 300,000 l. a-year, or one fortieth part of the income of those colonies.

This balance, it may be presumed, will increase annually for many years to come ; but should it rise to be three times, or even four times as great as at present, it appears from what is above written, that we ought to conclude from hence, not that the colonies are more exhausted ; but that they are become more opulent. Past facts strengthen the evidence of this conclusion ; for the trade of the colonies with Great Britain is now three times as great as it was seventy years ago ; yet every sensible person infers from thence, not that the colonies are three times as poor, but that they are three times as rich. We have seen that the annual balance accruing to Great Britain from America amounts to about 300,000 l. but for these ten years past the unproductive fund of military expence has been drawing more than that sum annually from Great Britain to America ; so that it would seem the colonies are receiving a counterbalance, or full

equivalent, from their mother country for the balance of their trade with her. But I shall not insist on that equivalent, or counterbalance, as I hope that our present political system, in regard to that point, will not be of long continuance. Such is then the state of the mercantile balance flowing from America to Great Britain ; but have the colonists any exclusive merit to plead on account of that ? Is it not according to the established course of nature, that the members should support the body ?

Great Britain by the lands she has acquired in North America has afforded an asylum and a rich property to two millions of people, many of whom, had they not enjoyed the easiness of living, which that large continent affords, would have dragged through life in distressful circumstances, and in celibacy ; but now see themselves in opulence, and the parents of a numerous offspring, sure of a subsistence, if from nothing else, from the possession of new lands. The mother country has not been a niggard in the distribution of those lands, often giving as much for the yearly quit-rent of half a crown as could not be purchased in Great Britain for 200, or 300 l. and has been resold in America for that money. She has also protected, and daily protects, the possessors of those easily acquired properties in the quiet and peaceable enjoyment of them, and may therefore be said to have been instrumental in giving existence to thousands, nay to millions, who would otherwise never had a being ; and if liberty and property be means of happiness, has also afforded those

those new subjects the means of enjoying their existence with satisfaction.

The subjects in America then owe about twelve millions a year to the bounty and to the protection of Great Britain; and yet they most ungratefully never take that into the account; but, forgetting what the colonists have got, and are daily getting, by Great Britain, they repeat without ceasing how much Great Britain gets by the colonists. Now it appears demonstrably evident, that the indulgent mother country has contented herself with one fortieth part of the income of the colonies, while the colonists, not satisfied with the secure enjoyment of the thirty-nine parts remaining, would vain disavow the obligation they have to the mother country for the landed property they possess in America, in defiance of the written evidence of the grants registered among them. I have ventured to recall to their minds that obligation, and to state it as simply and as clearly as I could to my readers, who may now judge on which side the debt lies, and whether the colonists do not profit above thirty times more by the mother country, than the mother country profits by them.

That Great Britain should acquire an extension of territory on the continent of North America, and not gain from it, would indeed be something surprising. That the British state should afford an occasion to her own subjects of acquiring wealth, and of multiplying and increasing, and yet be no gainer from such an increase of subjects, would be
a system

a system of misgovernment not to be paralleled. Does she now turn her attention to that object ; and perceive that from the colonists bearing too little, their fellow-subjects in Great Britain are suffering too much, she certainly acts most equitably and most politically in so proportioning the public burdens upon both, as to reduce the balance nearer to an equilibrium. A farmer in Great Britain that pays an hundred pounds a-year to his landlord, is often found to pay away more than a third of his income, and yet he thrives, and year after year pays that hundred pounds without ever receiving a farthing in return. How much more eligible, and how nearly independent is the situation of the colonist, who acquits all obligations of rent upon him for a fortieth part of his income ; and who, if he will content himself with the products of his own solitary farm, and abstract himself from the refinements of life procureable from Great Britain, needs not even to pay the half of that. The American colonists are almost universally proprietors of land ; and every one knows upon what easy terms they have acquired those properties, terms so very easy, that their lands may rather be said to have been given them as a present, than sold to them by their mother-country. Their lands in general yield them as rich products as those of Great Britain, and many of them much richer ; and the demands upon them for public charges for their domestic concerns will be found to be trifling, in comparison of those of the mother-country. So far then from the fruits of all their labour centering in Great Britain, the

colonists are left in the free possession of more of them than equal justice to their fellow-subjects in Great Britain ought to allow. No wonder then that the ideas of independence, and exemption from taxation held up to people in distressful circumstances in this island, and in Ireland, should induce them to quit their most intimate friends and relations, and seek for settlements in a country where there are neither rents nor taxes. Such emigration may sometimes turn out to the advantage of individuals; but, while the colonists remain untaxed in a just proportion with their fellow-subjects, the state must be a loser by it; for she thereby exchanges so many *whole-subjects*, if I may be allowed the expression, for so many *half-subjects*.

In Great Britain the subjects labour for the state as well as for themselves; and they have a right to expect that their fellow-subjects in America should be under the same obligation. Is it at all reconcileable to common sense or equity, that the labouring hands, who are the strength of a state, upon leaving this island, and acquiring lands in America, should think themselves independent of the British parliament in every thing regarding public contributions, while they still remain on British ground, and enjoy the protection of the British government? The moment an American colonist gets possession of a fertile tract of land, by a grant from Great Britain, for a trifling quit-rent, has he any right to cry out, "*All is now my own; I owe nobody any thing; I will not grant a farthing*"

“fartbing to the public expences but what I myself choose, or what a representative chosen by me shall give his consent to.” Such a declaration, as has been demonstrated above, would be directly contradictory to the fundamental principles of the British constitution, no subject in Great Britain, or in any part of the British empire, having the least right to pretend to any such claim.

But we are told that the emigrants still traffic with the parent state, who gains by their traffic. With whom, pray, ought they to traffic? If they had staid at home they certainly would have trafficked with the parent state; but they would have been subject to taxes nevertheless. This circumstance the colonists seem perpetually to overlook, and think they acquit themselves as to all national supplies by the balance accruing to the mother country from their traffic with her, which balance, however, we have seen, affects but a very inconsiderable part of their income, but about a fortieth part. They have their domestic taxes, it is true; but these are so low that even, when added to the balance above mentioned, they bear but a small proportion to the public burdens of the people of Great Britain, which amount to a full seventh of their income.

In the petition presented to parliament, about seven years ago, by the colonists of New-York we meet with the following paragraph. “That the petitioners conceive the North American fishery to be an object of the highest national importance;”

“ance; that nothing is so essential for the support
 “of navigation, since by employing annually so
 “great a number of shipping it constitutes a re-
 “spectable nursery for seamen, and *is so clearly ad-
 “vantageous for remittances in payment for British
 “manufactures*; that the petitioners therefore hum-
 “bly presume, that it will be cherished by the
 “house with every possible mark of indulgence,
 “and every impediment be removed which tends
 “to check its progress.” No doubt, the very
 lucrative fishery, which the colonists enjoy on the
 coasts of North America, *is clearly advantageous
 for remittances in payment for British manufactures*;
 that is, it annually yields the colonists a fund to
 purchase necessaries. But would not that same
 fishery have the same enriching effect were it to
 be prosecuted from the harbours of Great Britain,
 from whence we find it formerly was prosecuted;
 and would not all the seamen concerned in it on
 our coasts pay national taxes, as well as purchase
 British manufactures? Why then should the na-
 tion now reap but an half-advantage from it, since
 it is still carried on by British subjects, though
 they have flitted to the west side of the Atlantic.

Sir Josiah Child, who carried a very penetrating
 judgment into national concerns, viewed the Ame-
 rican fishery an hundred years ago in a very dif-
 ferent light from that in which it is considered by
 the colonists. I shall therefore contrast their sen-
 timents with his, and I am persuaded every sensible
 reader will from thence conclude, that while the
 colonists are not subjected to a proportionable share

of taxes with their fellow-subjects, they contribute rather to impoverish, than to enrich the mother-country by that fishery. Sir Josiah, speaking of the American fishery, says, “ It is well known, “ upon undeniable proof, that in the year 1605, “ the English employed two hundred and fifty sail “ of ships, small and great, in fishing upon that “ coast, and it is now (that is about the year “ 1670) too apparent, that we do not employ “ from all parts above eighty sail of ships.—If it “ be the interest of all trading nations principally “ to encourage navigation, and to promote especially those trades which employ most shipping, “ then certainly it is the interest of England to discountenance and abate the number of planters at “ Newfoundland; for if they should increase, it “ would in a few years happen to us, in relation “ to that country, as it has to the fishery at New “ England, which many years since was managed “ by English ships from the western ports; but as “ plantations there increased, fell to be the sole “ employment of people settled there, and nothing “ of that trade left the poor old Englishmen; but “ the liberty of carrying now and then, by courtesy or purchase, a ship-load of fish to Bilboa, “ when their own New England shipping are better employed, or not at leisure to do it.—This “ kingdom being an island, it is our interest not “ only to have many seamen, but to have them “ as much as may be within call in time of danger. “ Now the fishing-ships being only six months absent, I appeal to the reader, whether such a “ yearly return of seamen abiding at home with us

“ all the winter, and *spending their money here,*
 “ which they got in their summer fishery, were
 “ not a great access of wealth and power to this
 “ kingdom, and a ready supply for his majesty’s
 “ navy upon all emergencies.—Of all the Ame-
 “ rican plantations his majesty has none so apt
 “ for the building of shipping as New England;
 “ and, in my poor opinion, there is nothing more
 “ prejudicial, and in prospect more dangerous to
 “ any mother kingdom, than the increase of ship-
 “ ping in her colonies, plantations, and pro-
 “ vinces *.”

My readers will doubtless make their conclu-
 sion from the comparison of these two representa-
 tions of the benefits accruing to Great Britain from
 the American fishery; and, I believe, few of them
 will be backward in acknowledging, that the mother
 country in this instance, has rather promoted the
 opulence of the colonists at the expence of *her own*
bowels. But it is not in this article alone, that the
 colonists are enlarging their trade, and augmenting
 their wealth, rather as rivals, than auxiliaries to
 the parent state, while they stand exempt from an
 equality of taxation with their fellow-subjects.
 This will appear evident from the following re-
 flection.

There are some parts of the British foreign ter-
 ritories that yield no corn, and yet consume of it

* I could willingly have made a longer extract from this
 very judicious discourse of Sir Josiah Child upon plantations,
 which well deserves to be considered by every person de-
 sirous of having true ideas on that subject.

annually to the value of near half a million sterl. Here then, one would think, Great Britain may have a sure market for half a million's worth of exports. No; she has thrown the balance against herself in behalf of her colonies, who annually export about 600,000 l. worth of corn to the West Indies. Now the lands uncultivated, and but half cultivated, in Devonshire and Somersetshire, could supply all that corn to the West Indies, which might be shipped from Exeter, Bristol, &c. but our heavy taxes have raised the rents of lands so much at home, that our farmers cannot enter into competition with the colony farmers, who pay neither rents nor taxes. Our agriculture therefore has one discouragement, which the French has not; for at this time, and many years past, above forty mills at Tholouse, Montauban, and Moissac, &c. are constantly at work in grinding corn for the French sugar islands, which descends the Garonne, and is exported from Bourdeaux, and consequently renders those islands in a manner doubly profitable to their mother country. Thus we see that our northern colonies possess both a lucrative fishery, and a corn trade, at the expence of Great Britain; for it is evident that she herself could carry on both these, having actually above a century ago been in possession of the former; and our lands, in the two counties above mentioned, requiring only the labour of the countryman to produce a surplus sufficient for the supply of our West Indies. It ill becomes the factious advocates of the colonists therefore to urge the mercantile balance accruing to Great Britain from

from them, as a claim of merit in the colonists, when it appears that they on the contrary owe so much even in the mercantile way to the mother country.

But in all states it is not so much a mercantile balance, as a balance of liberty, and a balance of public burdens, that ought to be sought after. I am far from being so jealous of the effects of the increasing opulence of the colonists as Sir Josiah Child appears to be ; therefore should they bear their proportionable share of taxes, I should rejoice at every advantage they could procure to themselves, *not detrimental to their mother country.* They themselves ought not to desire more ; but as we have daily instances of individuals, and even corporate bodies, prompted by the desire of gain to advance their partial interest, to the detriment of the interest of the community, it belongs to the general superintending power, and is even its duty, so to regulate the claims and privileges of each, as may best promote the public good, or the prosperity of the whole State. The people of England cannot but think themselves aggrieved to see colonists, whom they protect in the cultivation of a fertile country, which they have bestowed upon them, refusing to bear a share in the public burdens, and calling out for an exemption from the authority of the supreme legislature. This claim the colonists have been able to found upon nothing, but their own presumption, and an anticonstitutional interpretation of charters, while the simplest and plainest principles of government, historical facts,

facts, and the great laws of equity and expediency, all stand directly against them. Is it at all expedient to have twenty different wills in the same state? Would the East India company's affairs prosper better than at present, if instead of one set of directors, they had twenty different sets? Should there be twenty public clocks in the same city, would it not be most desirable to see them all going by the same regulator?

Suppose the colonists should say, we now find that we can afford to give amply; but we want that our own assemblies should regulate the public impositions, not only for the domestic purposes of each colony, but for the general defence. That is, you want to continue a perpetual cause, not only of murmuring and dissension, but of disorder and confusion; and I may add of weakness, the consequence of the others. While the supreme legislature has alone the direction, the *quantum*, or the sum total, regulates itself, by each individual's paying in his due proportion, and no farther. On the other hand, supposing the *quantum* left to the determination of the particular provinces, by what measure can it be justly regulated, unless the object and the mode of the imposition be the same throughout the whole, and in that case it is the same thing, as if the supreme legislature had solely ordained it. While the parent state pays in one manner, and one colony pays in another, and another colony in a third manner, the proportionable equality of taxation can never be so ascertained as to prevent some from believing, that they
pay

pay more than their neighbours, though perhaps they may be paying less. Laws of taxation therefore ought ever to be as comprehensive and as uniform as circumstances will permit. Were the *quantum* to be left to the determination of the colonies separately, we may guess how backward each would be to bring its *quota* up to the just proportion, from the following blundering sophism, which has often been repeated by those who have written against parliamentary taxation for the colonies, but which affords one of the strongest arguments for it. The colonists, who, when it serves their purpose, are perpetually considering their interests as different from those of the state, and as interests that ought to have the preference in their own estimation, have modestly urged, that a parliamentary tax upon the colonies was *unjust*, because forsooth it made those colonies liable to pay such charge for others, in which they had *no concern nor interest* *. Again, should the parliament tax the colonies, it would be, *the partial advantage of Britain to their prejudice* †. The same absurd proposition has been repeated by others under a variety of forms ; but let us see what it amounts to. The necessities of the state require a certain sum of money to be raised by a tax, and the parliament wishing to render the burden of it as light as possible, ordain all the subjects to share in it. No, cry a part of these subjects to the

* See a letter in the Public Advertiser of February 19. signed B. Franklin.

† See the same letter.

other,

other, raise it among yourselves, we will have nothing to do with it. Certainly here the suffering part might with justice reply to the other, if ye factiously and unjustly withdraw yourselves our burdens will be the heavier. And this is precisely the case with the colonies and their mother country. The colonies, though the constitution never gave them that power, are by withdrawing themselves from taxation, actually taxing Great Britain without her own consent, that is, are forcing her to bear heavier burdens than she ought in a just proportion to bear. This mighty argument therefore we see is like a sword, that instead of wounding the antagonist wounds the bearer of it. The necessities of the state are like other necessities absolute. When a ship of war at sea is in hazard of perishing by a leak, would it be just or reasonable in one fifth, or one sixth of the crew, to refuse their assistance in pumping, even when the rest should appear exhausted by that fatigue; and would not the labour of those who wrought be exactly augmented, in proportion as the number of those who remained idle, increased. The colonies, and the people of Great Britain, are all embarked on board the same vessel, and it is equally the interest of all of them, that the vessel be properly navigated, and always in a state of defence. The whole crew cannot be taken to consult in the cabin; yet *all able hands* ought to give their assistance, not each in his own manner, which would breed confusion; but all as the Commanding Power directs.

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Though the colonists, I say, ought in duty to bear a proportionable share of all national burdens imposed by the Supreme Legislature, yet I would not be understood to mean, that they ought to bear an equal share with the subjects in England, as that would be in fact disproportionate. The great opulence towards the center of government, enables the subjects who inhabit there to bear such taxes, as would be ruinous to the subjects in the remoter provinces; but the smaller contributions of these last are brought near to a par with those of the others by the absentee proprietors, who resort to the seat of empire, and by the balance of trade, which the center of the state generally receives from the extremities. The taxation of the colonies therefore, in regard to the national defence, may be reduced to the four following articles. 1. That the exports and imports in the colonies should be brought as nearly as circumstances will admit to the same rates as those in Great Britain. 2. That no tax should ever be imposed upon the American colonies by parliament, without one of the same kind being imposed upon Great Britain, in a proportionable degree. 3. That the land tax should be ever at the same rate both in the mother country, and in America. 4. That taxes on luxury, or sumptuary taxes, ought ever to be the same in both countries, under which class stamp duties may very properly be ranged, independent of their great utility in regulating many domestic concerns.

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The seditious faction among the colonists, doubting of the conclusiveness of the arguments alleged by them for an exemption from the authority of parliament, have had the blind folly to have recourse to menaces, which indeed have had the effect of confounding the minds of many weak people among themselves, though in general regarded with contempt in Great Britain. Intimations have been dropt, that the colonists, if their pretensions are not complied with, may perhaps separate themselves from the mother country. To this I reply, doubtless they may whenever they please; but to do that they must first move off from lands belonging to their mother country. We have likewise been told that the colonists are determined to defend their liberties with their lives. This I think a noble resolution, worthy of Britons, and the descendants of Britons. But who is invading their liberties? Obedience to laws consistent with the fundamental principles of the constitution, can never be an infringement of liberty; but factious disobedience to those laws is actual rebellion. We have seen above, that no subject in the freest civilized state in the world can be absolute master of the whole of his property; that the Governing Power of the State has a Right inherent in itself to demand some part of the subject's property; and that the essence of a free subject consists in something else than in giving his assent to a tax, namely, in his being governed by known and established laws, in his being tried by his peers, in his being exempt from arbitrary imprisonment, &c.

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I would no more wish to infringe the legal liberty of the colonists, than I would wish to darken their sunshine ; but their actions of late have too clearly demonstrated, that what *they call English liberties* cannot be too quickly abridged. The absurd claims, avowed with so much insolence by the factious leaders at Boston, and the abstracted selfishness of their proceedings, declare most manifestly that it is not legal liberty that they want to secure ; but that they have for several years past been seditiously aiming at unconstitutional independence ; and presuming upon the non-execution of the laws of their country, by which their actions stand condemned, they have vainly hoped to establish a tyranny of their own by violence, idly counting upon the whole strength of the colonists, to support proceedings, which are a grievance to every sober minded man in the colonies. Let us examine this strength of the colonies, which the factious leaders have so often boasted of. Great Britain possesses in America lands more than half as big as all Europe, extending along the sea-coast to a distance greater than from Denmark to Gibraltar ; and in this wide extended country are two millions of people, twenty thousand settled in one place, twenty thousand in another, &c. Now were there but four millions, or even eight millions of inhabitants in all Europe, twenty thousand at the mouth of the Elbe, twenty thousand at the mouth of the Rhine, as many at the mouth of the Seine, of the Garonne, and of the Tagus, I ask what strength those four or eight millions could

have ? Let not him that putteth on his armour boast as he that putteth it off, is a most wise and politic maxim. When the great civil war began in Ireland, there were nearly as many inhabitants in that island, as there are now British subjects in America ; yet it has been computed that in the course of nine years the numbers of the Irish were diminished five hundred thousand by sword, famine, and desertion ; and Cromwell, with but a small body of well disciplined troops, could, if he had pleased, have made a desert of the whole island.

When the factious spirits among the colonists become diffident of their present strength, they urge their probable strength in future days ; which has been so artfully exaggerated, as to make many people conjecture, that the time is at hand when the Continental Colonies will form of themselves one large State ; nay, even that Great Britain and Ireland will become provinces of that continent. As others have taken the liberty of conjecturing, I will add my conjecture likewise ; and I am firmly persuaded, that the period is very remote, when the colonies will become independent of the mother country, and that it is a period not to be wished for by them. Their population is augmenting at present very rapidly, from the facility of making new settlements ; but, as new settlements become difficult, which they will do, notwithstanding the expanse of country ; and, as their cities enlarge in size and luxury, and the handi-

handicrafts spread among them, marriages will not be so frequent, and consequently the increase of their population will proceed much more slowly. But, supposing the colonists forty, or even an hundred millions in number, it will be their happiness to live united with their mother-country, under the same laws, as such an union will give vigour to all their governments to maintain internal peace; and there is certainly something pleasing in the idea of so many people living in perfect harmony in the enjoyment of plenty and security, when a twentieth part of their substance would suffice for public expences. If, on the other hand, the colonists shall, at any future period, disunite themselves from Great Britain, they will most assuredly, at the same time, disunite from each other. A Philadelphian will scorn to be in subjection to a Bostonian, or a Bostonian to a Philadelphian, &c. Mutual jealousies will soon oblige frontiers to be fortified, which would give occasion for heavy taxes and standing troops, the commander of whom would soon rule without popular assemblies. The want of intercourse would in time occasion a diversity of language; feuds and hostilities would succeed to tranquillity and concord; the *malviventi*, or ruffians, would find a refuge, and would multiply; desolation would take place of population; and the plains of America would become like the plains of Hungary or the Ukrain, which, though void of inhabitants, are certainly not inferior in quality to the best lands in our colonies. As to Great Britain, who that knows she

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has maintained her independence for these thousand years past against the neighbouring millions of Europe, would doubt of her maintaining the same independence against millions more remote.

To the other futile arguments for the unconstitutional claims of the Bostonians, has been added that of the detriment that has accrued to Great Britain from their disobedience, as a motive of interest to our Rulers not to insist upon the just rights of legislation. We have been told, ' that the colonists are all become smugglers ; that their coast of 1500 miles in length bids defiance to the watchfulness of sloop of war ; that the colonists draw their tea and many other India goods from the French, Dutch, and Danes ; that French silks with them supply the place of the manufactures of Spitalfields and Manchester ; that 2,500,000 guineas for tea alone have been paid by the colonists to foreigners within these five years. Hence the English East India company's tea and other India goods are rotting in their warehouses ; hence the sinking of their stock, and the lowering their dividend ; hence the loss to government of the stipulated 400,000 l. a-year ; the severe blow suffered by credit in general, &c. &c.' Such is the alarming enumeration of evils flowing from the factious disobedience of American subjects, from whence their zealous advocate forms conclusions to the following purpose : " Therefore let us alone
 " to our own proceedings, which I have demon-
 " strated to have been attended with so many pre-
 " judicial

“ judicial consequences to Great Britain; with-
 “ draw all your Custom-house officers, and leave
 “ our sea-faring people to practise a trade followed
 “ in Europe by dishonest men and rogues.” Is
 this reasoning like a Philosopher, or like a Ring-
 leader of sedition? The natural conclusion from
 the above facts seems to be, Therefore let the
 colonists no longer alone to their own proceedings,
 which are contrary to law, and to the constitution.
 Delay no time in putting an absolute check upon
 their smugglers; who, for the sake of some dis-
 honest gain, are throwing that wealth into the
 hands of our rivals, that naturally belongs to
 Great Britain. Double the number of Custom-
 house officers on shore, and of sloops of war along
 the coast, if the present number be found insuf-
 ficient; and pursue every vigorous measure to
 make these *lawless* people sensible, that while they
 live in society, they must submit to *law*. They
 seem to found their right to smuggling upon the
 supposed facility of executing it along a coast
 1500 miles in length; but they forget that the
 coasts of Great Britain and Ireland exceed 2,000
 miles in length; which, however, does not pre-
 vent the unlawful traders from meeting with pu-
 nishment, though perhaps not so often as they de-
 serve it.

Having demonstrably proved that the parliament
 of Great Britain, as supreme legislator of the whole
 empire, has an inherent right of taxation over every
 British subject, wherever he inhabits, and that the

American colonists, in being subject to that supreme power, are on the same footing of freedom with millions of their fellow-subjects in Great Britain, I shall conclude, in a few words, with mentioning the means of asserting that right, in such a manner, as to convince the refractory, that they will gain nothing by persevering in their disobedience. As the people in the colonies are in general rather misled than ill-intentioned, I believe, I have with these already used the most effectual means of asserting the Right of Parliament to taxation, in proving it to be altogether just and constitutional. But as there are others who will not be convinced, but by arguments of a different nature, I leave it to such to reflect upon the consequences to them, should the two houses of parliament, in imitation of the parliament of Queen Elizabeth, humbly represent to His Majesty that the charters of the American colonies are detrimental to the nation, and petition His Majesty, to recal them and grant others, as the late king William did to the colony of Massachusetts Bay, directly against the request of that colony; or how they would be affected should an act of parliament be made in this present session, enacting *That all the drawbacks and bounties upon commodities exported to, or imported from the colonies, shall cease; that every colonist shall be declared incapable of holding any place of profit or trust in Great Britain or Ireland; that no colonist shall be allowed the privilege of fishing upon the banks of Newfoundland, or any other coast of North America, or territory belonging to Great Britain; that*

that the act in favour of the naturalization of foreign protestants settling in North America shall be repealed, and every person from Great Britain and Ireland settling in the colonies, be declared an alien, and incapable of being again naturalized without an express act of the British legislature. I would propose an act of parliament, containing the above mentioned clauses, but extending to those colonies alone who have refused obedience to the act, or acts of parliament, imposing a tax upon the colonies. And such an act ought to remain in force as a Monitory, till the legislature of each colony shall, in the most express manner acknowledge, THAT THE KING'S MAJESTY, BY AND WITH THE ADVICE AND CONSENT OF THE LORDS SPIRITUAL AND TEMPORAL, AND COMMONS OF GREAT BRITAIN ASSEMBLED IN PARLIAMENT HAD, HATH, AND OF RIGHT OUGHT TO HAVE FULL POWER AND AUTHORITY TO MAKE LAWS AND STATUTES OF SUFFICIENT FORCE AND VALIDITY TO BIND THE COLONIES AND PEOPLE OF AMERICA, SUBJECTS OF THE CROWN OF GREAT BRITAIN, IN ALL CASES WHATSOEVER. This noble declaration, did the colonists but see their own interests, ought to be regarded by them as a NEW BILL OF RIGHTS in their favour, against the pretensions of Prerogative. If, afterwards his Majesty should, by and with the advice of his parliament, admit the Agent of every colony into the house of commons, with a right of deliberating and voting, that is, with every right of a British representative, no harm, I think, could accrue to the Common Wealth from
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such an increase of members in that assembly ; but the Legislative Body itself would not have from thence the smallest degree of Constitutional Authority more than it has at present. Should the factious colonists still remain perversely obstinate and disobedient, then, indeed, the mother country must have recourse to the *ULTIMA RATIO*, or *LAST REASON*, in maintenance of her just and natural Rights ; and, what would be the consequence of the contest, may be judged of from the following remarks of two persons not ill acquainted with America. Dr. Franklin tells us in his pamphlet upon the colonies, “ That while
 “ our strength at sea continues, the banks of the
 “ Ohio (in point of easy and expeditious convey-
 “ ance of troops) are nearer to London than the
 “ remote parts of France and Spain to their re-
 “ spective Capitals, and much nearer than Con-
 “ naught and Ulster were in the days of queen
 “ Elizabeth.” And governor Pownall in his Administration of the Colonies observes, “ That
 “ during general Wolfe’s expedition against Que-
 “ bec, if the French had had sense enough to have
 “ sent two ships of the line, with a frigate or two,
 “ and one or two bomb ketches, they might have
 “ burnt Halifax, Boston, New York, or Phila-
 “ delphia without interruption.” These are vic-
 tories, however, that a lover of Great Britain and of the Colonies would hold in abhorrence ; and, I hope in the present dispute, the only victory will be the victory of Truth.

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